



**Australian
Competition &
Consumer
Commission**

Our Ref: C2009/800
Contact Officer: John Rouw
Contact Phone: (03) 9290 1402

5 August 2009

GPO Box 520
Melbourne Vic 3001
Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000
tel: (03) 9290 1800
fax: (03) 9663 3699
www.accc.gov.au

Dear Madam/Sir

**Woodside Energy Limited and Benaris International Pty Ltd - application for
authorisation A91157 - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has received a further application for authorisation from Woodside Energy Ltd and Benaris International Pty Ltd.

The application is to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* that commenced on 24 July 2009. The conduct for which authorisation is being sought under application A91157 is the same conduct for which Woodside and Benaris originally sought authorisation on 16 April 2009 (authorisation application A91135).

In particular, Woodside and Benaris are seeking authorisation to jointly market and sell their shares of liquefied petroleum gas (LPG) produced by the Otway Gas Project.

A copy of the new application A91157 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

As you may recall the ACCC published a draft determination in respect of application A91135 on 1 July 2009, proposing to grant authorisation to these arrangements for three years.

The ACCC has now issued a draft determination responding to the application for authorisation lodged by Woodside and Benaris on 24 July 2009. In reaching this determination, the ACCC had regard to the submissions of the applicants and interested parties previously provided to it in response to application A91135. **Attached** is a copy of the ACCC's draft determination.

Next steps

Once the ACCC issues a draft determination, the applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and, while legal or professional advisers are able to attend, they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **20 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of application for authorisation A91135, and will then release a final determination in relation to these applications. Submissions will be placed on the ACCC's public register subject to any request for exclusion.

Timetable

The ACCC will continue to progress its assessment of the applications in a timely manner. An updated indicative timetable is set out below for your information.

24 July 2009	Lodgement of application and supporting submission.
29 July 2009	ACCC decision regarding interim authorisation.
5 August 2009	Draft determination.
August/September 2009	Public consultation on draft determination including any conference if called.
September 2009	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact John Rouw on (03) 9290 1402.

Yours sincerely



Gavin Jones
Director
Adjudication Branch

BP Australia

CalEnergy Gas (Australia)

Caltex Australia

Department of Primary Industries Victoria

Elgas

Royal Automobile Club of Victoria

Santos

Shell Company of Australia

Woolworths